

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT L. DYKES,

Plaintiff,

Case No. 1:18-cv-437

v.

Honorable Paul L. Maloney

UNKNOWN FULLER et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Oaks Correctional Facility (ECF) in Manistee, Michigan. Plaintiff sues Sergeants Unknown Fuller and Unknown Scarfoss and Food Service Supervisor Unknown Arbogast. All of the Defendants are employed at the Central Michigan Correctional Facility in St. Louis, Michigan. In his *pro se* complaint, Plaintiff alleges that Defendants retaliated against Plaintiff for his exercise of First Amendment rights.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events giving rise to Plaintiff's action occurred at the Central Michigan Correctional Facility (STF) in St. Louis, Gratiot County, Michigan. Gratiot County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). Defendants are public officials serving in Gratiot County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*,

114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has granted Plaintiff's motion to proceed in forma pauperis; but, the Court has not reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c)..**

Dated: May 14, 2018

/s/ Ray Kent
United States Magistrate Judge